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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13  
14 UNITED STATES OF AMERICA, ) No. CR 09-00468 JW  
15 Plaintiff, ) STIPULATION TO CONTINUE STATUS  
16 v. ) CONFERENCE; [PROPOSED] ORDER  
17 PORFIRIO SALAS-GAYTAN, )  
18 Defendant. )  
19 \_\_\_\_\_)

20 Defendant and the government, through their respective counsel, hereby stipulate that,  
21 subject to the court's approval, the hearing date in the above-captioned matter, presently  
22 scheduled on Monday, July 6, 2009 is to be continued to Monday, August 31 at 1:30 p.m. The  
23 continuance is necessary for defense counsel's preparation and for defense continuity of counsel.

24 The parties further agree and stipulate that time should be excluded from and including  
25 Monday, July 6, 2009 through and including Monday, August 31, 2009, to provide defense  
26 counsel reasonable time to prepare, pursuant to the Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A)  
27 and (B)(iv). Accordingly, the United States and the defendant agree that granting the requested  
28 exclusion of time will serve the interest of justice and outweigh the interest of the public and the

1 defendant in a speedy trial.

2  
3 DATED: July 1, 2009

JOSEPH P. RUSSONIELLO  
United States Attorney

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5 /s/  
6 LAURA M. DURITY  
Special Assistant United States Attorney

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8 /s/  
9 BRUCE FUNK  
Attorney for Defendant

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## ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the hearing date presently set for Monday, July 6, 2009 will be continued to Monday, August 31, 2009 at 9:00 a.m.

IT IS FURTHER ORDERED, that the time between July 6, 2009 through and including August 31, 2009, shall be excluded as the reasonable time necessary for effective defense preparation, pursuant to the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: July 1, 2009

*James Ware*  
JAMES WARE  
UNITED STATES DISTRICT JUDGE